The Hon'ble Sri H. SIDDAIYA.—We have made a lumpsum provision of one lakh of rupees during the current year.

Sri H. C. LINGA REDDY.—You have said in the answer that the Central Government would meet a sum of Rs. 80,000 towards non-recurring and Rs. 3,500 towards recurring charges. Has this amount been received?

The Hon'ble Sri H. SIDDAIYA.—Not yet received. But they have also made provision in their budget.

Sri H. C. LINGA REDDY.—Because they are paying the money, will they also have any control and superintendence over the hospital?

The Hon'ble Sri H. SIDDAIYA.—Naturally, they will have some right to supervise our work.

Sri H. C. LINGA REDDY.—You have referred to the extension of the present administrative block; why are you extending the building?

The Hon'ble Sri H. SIDDAIYA.—This is a scheme for upgrading and some more accommodation is found necessary; so additional building is necessary.

Sri H. C. LINGA REDDY.—Is it because the number of patients in the Mental Hospital is increasing?

The Hon'ble Sri H. SIDDAIYA.—That is partly true. But, for the purpose of upgrading this hospital, this hospital is converted into all-India Research and Training Centre.

Sri M. V. KRISHNAPPA (Kolar District—General).—Is there any necessity to expand the Mental Hospital?

The Hon'ble Sri H. SIDDAIYA.—It is very unfortunate. The number of patients is still on the increase.

Sri M. V. KRISHNAPPA.—It has been said that a committee has been constituted. May I know the personnel of the Committee?

The Hon'ble Sri H. SIDDAIYA.—The committee consists of: The Senior Surgeon; the Vice-Chancellor of the Mysore University; Dr. M. V. Gopalaswamy; the Principal, Maharaja's College; the Director of Public Health; Sri J. B. Mallaradhya, Commissioner for Economic Development and Planning; and the Superintendent, Mental Hospital, Bangalore.

Sri G. A. ACHARYA.—No politician!

Sri M. V. KRISHNAPPA.—Is it not true that the inmates of the hospital have been deliberately omitted? (laughter).

Mr. SPEAKER.—Question-hour is over.

Statement of the Chief Minister *re*: result of his talks with Government of India in the matter of directive.

***The Hon'ble Sri K. CHENGALARAYA REDDY.** (Chief Minister).—Mr. Speaker, Sir, with your permission I desire to make a statement on a matter of supreme importance. On the third of this month I had to bring to the notice of the Assembly the directive which had been issued by the Central Government to transfer what has come to be known as Raju's case. On that occasion I stated that I considered it my duty that such an important matter should not be kept out of the purview of this Hon'ble House, particularly when it seemed to me that it had reached a final stage. The House thereupon thought it proper to discuss the subject on a special resolution. That special resolution was unanimously passed. That resolution stated that the directive that had been issued was unjust and uncalled for and also called upon the Mysore State Government to take all necessary steps in order to vindicate the prestige and dignity of the State of Mysore. In the course of my speech I said that keeping in view the opinion that was strongly given expression to by this Hon'ble House, I would proceed to Delhi for discussion on this subject with the Government of India. Even then I felt that this was a matter of great importance not only for the Centre but also for us. And since I felt that this controversial issue is bound to have great repercussions on our way of governance of this State under the new Constitution, I thought that nothing should be left undone with a view to have an honourable way out of the impasse that has been created. I went to Delhi and had prolonged discussions on this subject

with the Hon'ble Prime Minister as also the Hon'ble Minister for States. I met the Hon'ble Prime Minister several times. At the very outset I want to express gratitude, not only on my own behalf but also of this House if I may say so, for the patience and earnestness which the Hon'ble Prime Minister displayed in resolving this issue in an honourable manner. Equally sympathetic was the Hon'ble Minister for States. The House is aware that what we keenly felt, what we strongly resented, was the issue of a directive by the Central Government in a matter like this under Article 371. Throughout the last two years or two years and a half ever since the passing of this Constitution the Mysore Government have been consistently and continually urging with all the warmth and strength that they can command to secure an exemption order under Article 371. In fact, the House also is aware that this proviso to Article 371 was inserted at the instance of Mysore chiefly, though other Part B States also joined in that attempt. With that background we were always hoping that, as per the assurance that had been given on the floor of the Indian Constituent Assembly, Article 371 would not be invoked at any rate so far as Mysore was concerned. During question hour, Sir, this background was referred to though briefly. It was against this background, with reference to the particular case or matter in connection with which the directive has been issued, this House felt very strongly that the directive was uncalled for. But let me frankly state that when the House expressed its opinion on this issue, no disrespect was meant to the President as such. The President was just exercising this authority as a constitutional President, possibly on the advice given by the Cabinet of the Central Government; so that there was no disrespect meant at all. And some of the criticisms that have appeared in the Press seem to state that here is a case of challenging the President. I should say there was nothing of this kind. I also made it clear then alone that there was no intention on our part to defy the Constitution. What I had in my mind at that time when I used that phrase was that we need not comply with the directive if we honestly felt, if we were convinced, if it was against our conscience, that what was asked to be done in that directive was one on which we could not agree. It is perfectly constitutional I submit, when such a situation arises, for any Government to lay down their office and say "Here we are in a position when we cannot comply with the directive in accordance with our conscience and we cannot go against our convictions." So while stating that we do not desire to stick to office and invite other consequences according to the Constitution, we were not prepared to do that but we were thinking of the other alternative. I am making these points clear since it has been suggested that we were going off at a tangent and we intended to defy the Constitution. I also stated that we are one to work the Constitution in a spirit of reverence. But that does not mean that when differences arise between the Centre and the State Government, those differences should not be or could not be given expression to in as frank a manner as possible. As I was stating, what we were more worried about was with regard to the issue of this directive under Article 371. I made this position clear during my discussions with the Hon'ble Prime Minister and the Hon'ble Minister for States at Delhi. It is felt at the other end, it has been stated, that there was no desire on the part of the Central Government at any time, nor is it their intention now, to interfere unnecessarily with provincial autonomy, that they would very much like and encourage every State to act on its own and that whatever advice, whatever suggestion may be given, they would very much like that it should stop at that and that every State should act on its own in exercise of its own unfettered freedom under the Constitution. They have made that position quite clear in the course of their talks with me. We also felt that this suggestion from the Government of India to transfer the case from this State to another State meant a reflection

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on the judiciary and also on the administration of the Government here. It has been categorically stated—and I submit we have got to take that statement and assurance—that in making this proposal their intention was never to cast any reflection whatsoever either on the judiciary or on the Government and much less on this Hon'ble Legislature. They did not doubt the competency of any senior Judge of this State to try this case impartially and independently. Their argument has been that though justice may in fact be done, though there may be no valid ground for impeaching the independence of a judgment in any respect whatsoever, this course was suggested because of any apprehension that might be in the minds of the accused regarding the prospects of a fair trial. I am in a position to state that this apprehension has not been there in the minds of the Government of India. The Government of India did not say that if the case was tried here by a local Judge everything would go wrong. The main argument that has been put forward by them has been that since there has been an apprehension in the minds of the accused, then why not this course be adopted? Not only justice must be done but, as every one knows the phrase by now, it must 'appear' to be done. It is only on that ground that this course was suggested and over again it was made clear that in the proposal that they made and the action that they took, they did not have the slightest intention of casting any slur either on the Judiciary or on the Mysore Government or this Hon'ble House, as I have already said. In fact the opinion was expressed that Mysore was a well administered State and that they were anxious to bring up Mysore to the level of Part A States. It was also pointed out that even if in any Part A State such a situation arose, as in connection with the present case they would not have hesitated to give the advice to that Part A State also in a similar manner. No doubt Article 371 does not apply to a Part A State and no directive could have been given under that article. That is just the vital difference. So discussions continued and emphasis began to be laid more and more on the issue of Article 371 itself. During the question hour I got an opportunity to state that you may expect exemption to Mysore from the operation of Article 371 at a very early date. I want to reiterate that and say that I am confident, that I am quite convinced, that this question which has been pending since a long time and which has been under discussion between the Government of India and ourselves for two years or so, will be resolved very early. It is just on the records and the exemption order may be issued by the Government of India during the next few weeks—two or three weeks. I feel that I am free to state that this clearing of the ground, clearing of the deck as it were, this Article going out so far as Mysore is concerned, would practically bring Mysore to the level of Part A States. I wish to make it clear at the same time that we are not tied by this exemption order under Article 371, *i.e.*, what is going to happen with regard to the particular issue that we are considering now in relation to the directive that has been issued under Article 371. But I thought that I could as well mention that point because it may give satisfaction to this Hon'ble House as indeed it will give satisfaction to the people and Government of Mysore that this Article 371 will not be applicable to Mysore after some time. That is, I submit, a major ground for satisfaction. Be that as it may, so far as this particular issue is concerned, this is what I would like to state. We felt that a directive with regard to this matter was not justified. Now, as a result of our discussions I am in a position to state that the Government of India would be willing to withdraw this directive. The President has issued the directive in specific terms. The directive definitely calls upon the Mysore State Government to transfer the case from here to some other Court either in Bombay or in Madras and it calls upon

us to take necessary action for such a transfer. The operative portion of the directive is quite clear and that is, the transfer of the case. They are now willing to reconsider this and withdraw the directive provided we on our part are willing to reconsider our attitude and agree to import a Judge, from outside to try this case in Bangalore. During the last few months the alternative proposal also has been there. In fact the proposal to transfer the case from here to some other State never found acceptance at our hands. And we had at no time committed ourselves to say that it would receive our consideration. It is quite true that we had kept an open mind with regard to the other alternative, namely importing a Judge from outside. In fact it may be correct to state that at one stage the idea struck us *suo moto* and we really were anxious and earnest to explore the possibilities of doing any such thing as that would be the proper thing to do. And we wanted to consider all aspects of the matter before we came to a decision. The Government of India unfortunately, as events have transpired now, gathered the definite impression that we could not agree to such a course, and they had no doubts in their minds that we may not agree to importing a Judge like that. But as I indicated in my speech the other day, having found that there was not much public excitement over this question, having found that the situation was quite normal and the case was conducted like any other case without any cause for any misgiving, we thought that the situation did not warrant taking even the alternative course, namely importing a judge from outside. So we came to that decision and we indicated that to the Government of India. But at the same time it seems to me that even at that stage, if the extreme action, that is, recourse to Article 371 had not been taken and there was breathing time to reconsider the position, it was just possible that we would have reconsidered the matter and arrived at a different decision. But I do not want to make much of that, nor base my justification on what we propose to do on that ground. To some extent I am free to state that things have gone wrong on this matter perhaps both at this end and at the other end. So the position now is this. We were very particular about this directive and we had categorically stated and given expression to our feeling that it would not be possible for us to comply with that directive, that it would be going against our conscience and convictions if we were to comply with that directive and that it would not be an act of courage if we were to comply with the directive. The Government of India very generously and magnanimously are now prepared to withdraw the directive. It is just possible it would have been possible for them to say, "Now that we have issued a directive, there is an end of it, and let further things take their our course in the light of that." We on our part also have reconsidered, and after reconsideration have agreed to the importing of a Judge from outside. I submit that this is a very equitable compromise and an honourable way of dissolving this constitutional deadlock or tangle, whatever you may call it. I have already referred to the main issue regarding Article 371. This is the position that we have arrived at after prolonged discussions at Delhi. So this is the formula that we are now considering, namely, for us to agree on our own part to import a Judge from outside and for the Government of India on their part to advise the President to withdraw the directive. Possibly, this course does not afford satisfaction entirely to either party or to this House or to the general public outside. But all compromises do not satisfy every one completely but there must be some kind of satisfaction that taking things by and large and keeping the interests of the country as a whole, this is the solution that could be honourably accepted and worked upon. I do not think I need add anything more regarding this at present.

There have been various criticisms in the Press regarding this issue and I do not think that this is the proper occasion or forum to refer to all of them. I just want to say that this House and

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this Government were actuated by the best motives in order to bring this constitutional issue for open discussion. It has clarified several points and it may also—I venture to submit—be helpful for a healthier and more harmonious relationship between the Centre and the units.

There has been a criticism made very often on the floor of this House that during the last four years either with reference to constitution-making or with reference to financial integration, or other kinds of integration, Mysore has been surrendering all along the line and losing its autonomy. On every such occasion I had to point out that there was no such question of surrender or anything like that, but that every step was being taken in the best interests of the country as a whole and in the long run even the best interests of Mysore. Even today I say, as I used to say previously, that if anything goes wrong, if the relationship ceases to be harmonious and if there is any cause for friction or difference of opinion, there will be time enough to take them up for consideration as and when they arose and I even venture to state that ultimately it is the people that will have to resolve any serious deadlock that might arise. This issue arose and whatever critics may say, I for one feel that we did not commit any wrong by ventilating our differences on this issue openly. I am also glad that this is going to end more or less with a happy note. I do not say that differences in future may not arise: they may arise tomorrow. I am not a prophet. I cannot say definitely as to what would happen. But one thing about which I am anxious and this House also will be anxious is this, that when such differences arise we have got to thrash them out first by negotiation, by discussions, and if matters do not resolve on those planes, then we have to come out into the open and carry on the controversy. It is just possible that after such controversy matters get settled. It is only with that view that this subject was brought up for discussion before the public because it was felt that the issue of a directive was the final word about it.

So, Sir, it seems to me that having regard to all aspects of the matter, having regard to the larger interests of the country and bearing in mind that this directive the issue of which was keenly resented to, is to be withdrawn by the Government of India, it is quite honourable on our part to agree to import a Judge for the trial of this case. I hope this House will also echo this opinion of mine—though there may be differences of opinion regarding some aspects of the question, on the whole what has been now proposed to be done is quite honourable which does not affect either the prestige of the Government of India or the prestige and dignity of the State of Mysore. (Cheers).

Mr. SPEAKER.—(The Hon'ble Minister for Law wants to make a statement.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—Sir, as one whose speech on the last occasion in this connection has come in for a great deal of public criticism, I feel I owe it to the House to make a brief statement explaining my attitude.

I had stated that I would not accept any directive. All that I meant thereby was that, as recognised by the Constitution itself, I was free either to accept the directive and continue in office or decline to be a party to the acceptance of the directive and go out of office. I still feel that the directive was uncalled for; but since the directive is to be withdrawn, I have no quarrel with any one. All is well that ends well. We have now arrived at a formula acceptable to both the Centre and the State and may I say, Sir, that I feel that the part played by the Hon'ble Prime Minister Pandit Nehru and the Hon'ble Chief Minister of our State Sri K. Chengalaraya Reddy in bringing about this honourable understanding is highly commendable? (Cheers). I am very glad that as a result of our efforts there is an immediate prospect of Mysore being exempted from the operation of Article 371 of the Constitution.

Janab SYED ABDUR RAHMAN (Chickmagalur *cum* Shimoga—Muslim).—I

want some information Sir. In the newspapers there is a reference to a letter of the Hon'ble Prime Minister of India. I would like to know whether it can be placed before this House.

The Hon'ble Sri K. CHENGALARAYA REDDY.—There has been a lot of correspondence on this issue during the last few weeks and months. It seems to me that if one letter is to be placed, the other consequential letters also will have to be placed. So we have got to consider that question.

Sri K. R. SREEKANTESWAR (Bangalore City—General).—You can take us into your confidence and place before the House the recent letter which you have got in your pocket.

The Hon'ble Sri K. CHENGALARAYA REDDY.—Unless we are in a position to release the entire correspondence, it may not be possible for us to release the recent letter either.

Sri K. R. SREEKANTESWAR.—The recent letter at least may be released.

The Hon'ble Sri K. CHENGALARAYA REDDY.—I have covered most of the points referred to in that latter. It is only on the basis of what is contained in the letter I have covered most of the points.

Request for debate on the Statement of Chief Minister

Janab J. MOHAMED IMAM (Chitaldrug *cum* Tumkur Muslim).—With your permission, Sir, if you allow me to sit and talk, I want to say a few words on the Statement.

Mr. SPEAKER.—I am sorry, the Hon'ble Member cannot make any observations on the statement just now made.

Janab J. MOHAMED IMAM.—The Hon'ble Chief Minister has made a statement on his achievement; on what happened between himself and the Government of India he has made a report to this House. He went to Delhi in pursuance of a mandate of this House, in pursuance of a resolution passed by this House. So much so, he was deputed by this House.....

The Hon'ble Sri K. CHENGALARAYA REDDY.—May I just interrupt and say, Sir, that I did not go to Delhi on a mandate of this House? The resolution was that all necessary steps be taken in order to vindicate the prestige and dignity of Mysore. One of the steps that I took was to proceed to Delhi and engage myself in the discussion and get this formula.

Janab J. MOHAMED IMAM.—So, he went there on the basis of a resolution of this House. This House is therefore at perfect liberty to make its comment on the report made by the Hon'ble Chief Minister.

Mr. SPEAKER.—If the Hon'ble Member has tabled any motion, he can then make his observations in moving it.

Janab J. MOHAMED IMAM.—But the Chief Minister has not spoken on any motion!

Mr. SPEAKER.—The Hon'ble Member can give notice of a motion on the statement made by the Hon'ble Chief Minister and then he can enter into a discussion on it. Otherwise, on the mere statement of the Chief Minister, he cannot enter into a discussion.

Janab J. MOHAMED IMAM.—I know the procedure and I have also seen elsewhere that whenever a statement is made by the Chief Minister, he always invites comments immediately on that. Otherwise, he should not have made that statement at all. There is no need therefore for any motion at all. Because he has made a statement.....

Mr. SPEAKER.—I am sorry, no such discussion is permissible on the statement.

Janab J. MOHAMED IMAM.—My submission is, when the Chief Minister has made a statement.....

Mr. SPEAKER.—On an earlier day when the Chief Minister made a statement I brought to the notice of the House that there should be a motion put down to discuss the subject matter of that statement. Then, notice of a motion was given and the subject was discussed. Even now the same procedure holds good.